**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION NO.18511 OF 2005**

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**DATED: 16TH FEBRUARY, 2006.**

Between :

Sri Venkateswara Mahila Group,

Chinthamakulapalle village, V. Kota Mandal,

Chittoor District. .. Petitioner

And

1. The District Collector, Chittoor,

   Chittoor District., and 3 others. .. Respondents

**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION No.18511 OF 2005**

**ORDER:**

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In pursuance of the notification issued by the 3rd respondent – Sub Collector, Madanapalle, Chittoor District, dated 30-06-2004, inviting applications for appointment of a dealer in respect of the fair price shop of Chinthamakulapalle village, V. Kota Mandal, Chittoor District, the petitioner as well as the 4th respondent – Gramalakshmi Gandhi SHG submitted their applications.

It is not in dispute that under the notification dated 30-6-2004 applications were invited only from SWAYAM SAHAYAKA / DWACRA / VELUGU MAHILA GROUPS. It is also not in dispute that both the writ petitioner as well as the fourth respondent are Mahila groups and are eligible to apply.

Thereafter, the 3rd respondent has appointed the 4th respondent as fair price shop dealer by order dated 16-7-2004. Aggrieved by the same, the writ petitioner preferred an appeal before the 2nd respondent – Joint Collector, Chittoor. It appears that the writ petitioner primarily contended before the 2nd respondent that the 4th respondent has not satisfied the minimum age requirement as well as educational qualifications. Strangely the 2nd respondent, without considering any of such objections and without recording any findings thereon, disposed of the appeal remanding the matter to the Revenue Divisional Officer, Madanapalle to re-notify the vacancy for fresh appointment of dealer under the provisions of the Andhra Pradesh State Public Distribution Control Order, 2001. The said order runs as under :

> *"After perused the records and lower Court record and arguments of consumer on behalf of appellants and respondents it is opinioned that both parties are members of self help groups and homogenous nature of self help groups is not adhered to. In these circumstances, it is appropriate to remand the case to Revenue Divisional Officer, Madanapalle to take appropriate action to notify the FP shop for a fresh for appointment of dealer by giving equal opportunity to all the parties concerned duly following APPDS Control Order, 2001."*

Having heard the learned Counsel for both the parties and having perused the material on record, I am of the opinion that the 2nd respondent – Joint Collector, Chittoor has grievously erred in directing to re-notify the vacancy. Since admittedly the vacancy was sought to be filled up by SWAYAM SAHAYAKA / DWACRA / VELUGU MAHILA GROUPS, the direction under the impugned order to re-notify the

vacancy appears to be unwarranted and unjustified.

In the circumstances, the impugned order is set aside and the Writ Petition is disposed of with a direction to the 2nd respondent – Joint Collector to consider the appeal afresh on merits after affording due opportunity to both the parties and pass appropriate orders in accordance with law, as expeditiously as possible, preferably, within a period of six (6) weeks from the date of receipt of this order. Till such time, the order of Status Quo as ordered by this Court pending this writ petition shall continue.

The Writ Petition is accordingly disposed of. No costs.

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G. ROHINI, J.

Dt. 16-02-2006.

NOTE:- CC in 2 days.

(B/O)

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